

### **REMARKS**

No claims are amended in this response, no additional claims are canceled in this response, and no claims are added in this response; as a result, claims 1-5, 16-25, 32-38, 42-46, 50-52, 55-59, 62-63, 71-73, 75, and 80-105 are now pending in this application.

#### **Double Patenting Rejections**

Claims 1, 5, 21-22, 25, 32, 34-38, 42-46, 50-52, 55, 57-59, 62, 71-73, 75, 80-105.

Claims 1, 5, 21-22, 25, 32, 34-38, 42-46, 50-52, 55, 57-59, 62, 71-73, 75, and 80-105 were rejected under the judicially created doctrine of non-statutory obviousness type double patenting over claims 1-3 of U.S. Patent No. 7,050,654 B2 in view of U.S. Patent No. 6,144,388 (IDS).

Applicants respectfully traverse the rejection of claims 1, 5, 21-22, 25, 32, 34-38, 42-46, 50-52, 55, 57-59, 62, 71-73, 75, and 80-105, wherein Applicants do not admit that claims 1, 5, 21-22, 25, 32, 34-38, 42-46, 50-52, 55, 57-59, 62, 71-73, 75, and 80-105 are obvious in view of claims 1-3 of U.S. Patent No. 7,050,654 B2, or are obvious in view of claims 1-3 of U.S. Patent No. 7,050,654 B2 in view of U.S. Patent No. 6,144,388.

However, in order to further prosecution of the application, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(b)(iv) is enclosed herewith to obviate these rejections.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1, 5, 21-22, 25, 32, 34-38, 42-46, 50-52, 55, 57-59, 62, 71-73, 75, and 80-105.

Claims 1, 21, 34, 42, 50, 57, 71-73, 75, and 80-105.

Claims 1, 21, 34, 42, 50, 57, 71-73, 75, and 80-105 were provisionally rejected under the judicially created doctrine of non-statutory obviousness-type double patenting over claims 2-4 and 6-12 of copending Application Serial No. 11/004,733 (now issued as U.S. Patent No. 7,236,647).

Applicants respectfully traverse the rejection of claims 1, 21, 34, 42, 50, 57, 71-73, 75, and 80-105, wherein Applicants do not admit that claims 1, 21, 34, 42, 50, 57, 71-73, 75, and 80-

105 are obvious in view of claims 12-4 and 6-12 of copending Application Serial No. 11/004,733.

However, in order to further prosecution of the application, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(b)(iv) is enclosed herewith to obviate these rejections.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1, 21, 34, 42, 50, 57, 71-73, 75, and 80-105.

Allowable Subject Matter

Claims 17-18, 33, 56, and 63 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge the indication of allowability of claims 17-18, 33, 56, and 63 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not amended claims 17-18, 33, 56, and 63 to place them in independent form at this time. Claims 17-18, 33, 56, and 63 depended from one of independent claims 1, 21, 50, and 57. Pursuant to statements presented above, Applicants respectfully submit that independent claims 1, 21, 50, and 57 are in condition for allowance, and therefore claims 17-18, 33, 56, and 63 are also in condition for allowance.

Applicants respectfully request reconsideration and withdrawal of the objection, and allowance of claims 17-18, 33, 56, 63.

Claims with No Stated Ground of Rejection

Claims 2-4 and 16

Claims 2-4 and 16 are listed at checkbox 6 in the Office Action Summary as being rejected. However, there is no particular basis given in the remainder of the Office Action for any rejection of claims 2-4 and 16. Nonetheless, as the only outstanding rejections of record are obviousness-type double patenting rejections for which the Applicants are submitting the appropriate Terminal Disclaimers, Applicants respectfully submit that any obviousness-type double-patenting rejection or rejections of claims 2-4 and 16 are moot.

*Reservation of Rights*

In the interest of clarity and brevity, Applicants may not have equally addressed every assertion made in the Office Action. However, this does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date JUNE 26 / 2007

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of June 2007.

Amy Moriarty  
Name

[Signature]  
Signature